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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,128	12/12/2001	Ragnar Ledesma	60130-986/00MRA0576	2472
26096	7590	03/09/2004	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			TO, TOAN C	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

10/021,128

Applicant(s) **SW**

LEDESMA ET AL.

Examiner

Toan C To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 17 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14, 15 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 6 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12-12-2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, and 7-12, 14-15, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belik et al (U.S. 4,469,369) in view of Ruppert et al (U.S. 6,276,474).

As to claims 1, 8-11, 15 and 18-21, Belik et al discloses an independent undercarriage module for a low floor vehicle with the following: a subframe (23, as best seen in Fig. 2,) having a first subframe segment (portion of frame 23 beneath floor 8) mountable adjacent a first vehicle underside profile segment (8); a second subframe segment (24) mountable adjacent a second underside profile segment (9); wherein the first profile segment (8) defining a floor for a vehicle aisle; a suspension system (21) mounted to the subframe; a plurality of resilient dampers (26) mounted to the subframe (23), wherein the resilient dampers (26) are mounted between the subframe and the vehicle underside, and the dampers filter high frequency vibrations generated by the suspension system (21); wherein the first subframe segment (as best seen in figure 2, portion of frame 23 which is between the levers 25) is substantially parallel to and offset from the second subframe segment (24); and the subframe (23) forms a portion of the vehicle underside.

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Belik et al does not directly disclose an independent undercarriage module for a low floor vehicle, wherein, and the second profile segment defining the floor beneath a passenger seat.

Ruppert et al teaches the invention wherein second profile segment defining the floor beneath a passenger seat.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an independent undercarriage of Belik et al as taught by Ruppert et al such that the seat is arranged above the second profile segment, and the first profile segment defines a vehicle aisle in order to provide comfortable and easy access for passenger while entering or exiting the vehicle.

As to claims 2-3, Belik et al further discloses an independent undercarriage module for a low floor vehicle with the following: wherein, the suspension system (21) mounted substantially below the second subframe segment (24) with reference to the vehicle; wherein, the suspension system includes a non-driven wheel (as best seen in figure 2, the wheel 20 is connected to a steering knuckle for steering but not connected to a drive shaft, therefore, the wheel 20 on the left hand side of Fig. 2 is considered a non-driven wheel).

As to claims 4-5, and 12, Belik et al does not directly disclose what type of material is use to make their subframe. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify their invention such that the subframe is manufactured of composite material and includes a laminate material which resists torsional loads in order to increase load capacity of the

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vehicle. It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

As to claim 7, and 14, Belik et al discloses an independent undercarriage module for a low floor vehicle with the following: wherein the subframe includes a multiple of substantially planar members (24, 23).

#### ***Allowable Subject Matter***

3. Claims 6, 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 16-17 are allowed.

#### ***Response to Arguments***

5. Applicant's arguments filed October 23, 2003 have been fully considered but they are not persuasive.

6. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Belik et al does not directly disclose a bus having passenger seat above the vehicle floor, and Ruppert

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et al teaches a vehicle having passenger seat disposed above the floor. Modifying the invention of Belik by using teaching of Ruppert et al is proper, since one skill in the art would know how to arrange passenger seat above the floor in order to transport passengers.

7. In response to applicant's argument that the combination fails to disclose a subframe module mountable adjacent to a vehicle underside, the examiner respectfully disagrees since Belik et al clearly discloses a bus having frame 23 being disposed under a projection 9 and floor 8. Therefore, floor 8 and projection 9 is considered to correspond to vehicle underside of the present invention, and the frame 23 of Belik et al correspond to subframe of the present invention.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C To whose telephone number is (703) 306-5951. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTO  
March 5, 2004

 3/8/04  
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